

GOVERNMENT OF ANDHRA PRADESH

ABSTRACT

R&B Deptt- Payment of decretal amount of Rs.3,35,817/- in the case in SAMP No.226 of 2013 in SASR No.49735/2012, filed by the Govt. and another against the judgement and decree made in AS No.46/2009 (of O.S.No.76 of 2004) on the file of the 1st Addl.District Judge, Karimnagar, and the orders of the High Court of AP, Dt:29.01.2013-Sanction -Accorded - Orders – Issued.

TRANSPORT, ROADS AND BUILDINGS (R.IV) DEPARTMENT

G.O.Rt.No. 365.

Dt:20.03-2014;

Read:

From CE (R&B) CRN & MD, APRDC, Hyd., Lr No. MD/
APRDC/GM/EE/DEE7/AEE20/2013, Dt:10.10.2013 &
16.11.2013

ORDER:

In his letters read above, the CE (R&B) CRN & MD, APRDC, Hyd., has stated that O.S No.76 of 2004 was filed in the court of Sr. Civil Judge at Karimnagar by Sri Chinta Sarvaiah s/o Veeresham R/o Kothirampur, Karimnagar praying compensation for his son Chinta Natraj's death on 01-04-2002, who died while he was proceeding to Karimnagar from Warangal on his scooter about 8.00PM. on the outskirts of Thummanapally (V), due to fall of road side peepal tree due to heavy rain and winds.

2. He has also stated that earlier the case was originally filed in OP No.628/2002 for compensation u/s 166(i) of MV Act. and the same was dismissed in the Hon'ble court. Subsequently OS No.76 was filed by the aggrieved party in the Court of Senior Civil Judge, Karimnagar which was also dismissed for lack of Jurisdiction. Aggrieved by this Sri Chinta Sarvaiah again filed AS No.46 of 2009 in the Court of I Additional District Judge at Karimnagar which has passed orders in 27-04-2012 for Rs.4.18.000/- with an interest of 6% P.A from the date of the suit till realization in AS No.46 of 2009 in OS No.76 of 2004.

3. He has further stated that second appeal was filed by the Dept., aggrieved by the judgment and decree made in AS.No.46/2009 Dt:27.04.2012 at grant interim stay of all further proceedings pursuant to the judgement and decree. The Hon'ble High Court of A.P. on 29.01.2013 passed orders for interim stay of further proceedings in pursuance of judgement and decree in ASNo.46 of 2009, dt:27.04.2012 on the file of I Addl.District Judge, Karimnagar, subject to the condition of petitioners depositing half of the decretal amount and costs to the credit of the suit within six weeks from 29.01.2013.

4. The half of the decretal amount and the interest from the date of suit till realization are as follows.

| | | |
|---|--|----------------|
| 1 | Total decretal amount of the AS No.46/2009 | Rs.4,18.000=00 |
| 2 | Half of the decretal amount | Rs.2,09,000=00 |
| 3 | Interest at 6% P.A. w.e.f. 29.03.2004 to 30.11.2013 (expected date of payment) | Rs.1,21,329=00 |
| | TOTAL | Rs.3,35,817=00 |

5. To accommodate the time required for processing of Govt. orders for the above decretal amount, releasing of LOC and payment by PAO, Karimnagar, the interest amount is calculated upto 30.11.2013. However, while depositing the decretal amount with the court, the interest will be worked out as per the actual date of payment.

(P.T.O)

6. The Chief Engineer(R&B) CRN & MD, APRDC, Hyderabad, has requested the Government to accord sanction the decretal amount of Rs.3,35,817/- in the case filed by the Govt. and another against the judgment and decree made in AS No.46/2009 (of O.S.No.76 of 2004) on the file of the 1st Addl.District Judge, Karimnagar, and issue necessary LOC, to deposit the same to the Hon'ble Court and to implement the orders of the High Court of AP, Dt:29.01.2013, in SAMP No.226/B in SA (SR) No.49735/2012.

7. Government after careful examination of the matter, hereby accord administrative sanction for an amount of Rs.3,35,817/-(Rupees Three Lakhs thirty five thousand eight hundred and seventeen only) in the case filed by the Govt. and another against the judgement and decree made in AS No.46/2009 (of O.S.No.76 of 2004) on the file of the 1st Addl.District Judge, Karimnagar, and issue necessary LOC, to deposit the same to the Hon'ble Court in order to implementation of the orders of the High Court of AP, Dt:29.01.2013, in SAMP No.226/B in SA (SR) No.49735/2012.

8. The amount sanctioned in Para (7) above, shall be debited to the Head of Account-MH 5054-Capital Outlay on Roads and Bridges, 04-District and Other Roads-MH 800-Other Expenditure-GH 11- Normal State Plan-SH (33)-Corenet work Roads-530-Major works-531-Other Expenditure (Charged) and shall initially be met by way of an advance from Contingency Fund, orders regarding which will be issued separately by Fin. (BG.I) Deptt.

9. The Chief Engineer(R&B) CRN & MD, APRDC., Hyderabad, shall draw the amount sanctioned at Para (7) above and deposit the Hon'ble Court, in the subject case, under intimation to the Government.

10. The Chief Engineer(R&B) CRN & MD, APRDC., Hyderabad, is also requested to take action for obtaining supplementary grant at appropriate time during the current financial year 2013-2014 towards recoupment of the advance drawn from Contingency Fund.

11. This order issues with the concurrence of Finance Deptt, vide their U.O.No.5143/225/Expr.PW.II/2014, dt:10.03.2014.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

B. SAM BOB
PRINCIPAL SECRETARY TO GOVERNMENT

To

The Chief Engineer (R&B) CRN & MD, APRDC, Hyderabad.

Copy to:

The Accountant General, A.P, Hyderabad.

The Pay & Accounts Officer, A.P., Hyderabad.

The Director of Work & Accounts, A.P., Hyderabad.

The P.S to Principal Secretary to Govt., R&B Dept.

The Finance (Expr.PW-II/ BG.I) Department.

Sf/Sc.

//FORWARDED BY ORDER//

SECTION OFFICER